

REMARKS

This amendment and the accompanying RCE are being filed in response to the Final Office Action mailed on March 30, 2006. Claims 1-22 have now been cancelled and new claims 23-44 are being added.

Claims 1-22 have been cancelled so the rejections of those claims are moot. Although claims 1-22 have been cancelled, the cancellation of these claims is without disclaimer of the subject matter thereof and without prejudice to Applicants' right to later pursue the subject matter of those claims in this or another application.

The prior art does not disclose or render obvious the limitations of independent claims 23, 32, or 42.

Claim 23 recites, *inter alia*, a method of notifying a customer of a message wherein a query is sent from a server to a client VCU for an indication of whether the customer is available in a vehicle for receiving the message. The message is sent to the client VCU for delivery to the customer if the server receives the indication that the customer is available. But, if the server does not receive the indication that the customer is available for receiving the message, then any one or more of the following is performed:

- i) sending a failed delivery message to the client VCU,
- ii) sending the message to the client for storage on the client VCU, or
- iii) retrying delivery of the message at a later time after a time interval.

Specifically, the prior art does not disclose or render obvious querying a client VCU for an indication that a customer is available to receive a message, sending the message upon receipt of the indication, and, if no indication is received, then i) sending a failed delivery message, ii) sending the message to the client for storage, or iii) retrying delivery of the message after a time interval. Rather, Jijna et al. (US 2003/0103599) merely discloses that a vehicle phone answers in-coming calls when an ignition of the vehicle is on or when the VCU is awake (col. 1, par. 0004). Jijna provides no discussion of sending a message upon receipt of an indication that the customer is available, and

provides no discussion of i) sending a failed delivery message, ii) sending the message to the client for storage, or iii) retrying delivery of the message after a time interval if no indication is received. Therefore Jijna fails to disclose, teach, or suggest all of the limitations of claim 23.

Likewise, Nascimento, Jr. (US 2002/0128000), does not disclose a server querying for an indication that a customer is available, sending a message upon receipt of the indication, and what to do if no indication is received from the query. Nascimento merely discloses obtaining a speed or location of a mobile station (p. 5, par. 0044), which is not the same as querying for an indication that a customer is available. Therefore Nascimento fails to disclose, teach, or suggest all of the limitations of claim 23.

Likewise, Heyward et al. (US 2002/0042266) does not disclose a server querying for an indication that a customer is available. Heyward merely teaches a mobile unit broadcasting an ignition status upon a change in the unit's status. No query is necessary in Heyward because the system automatically provides the necessary status information. In fact, Heyward states, as benefit of an intelligent system, that "the host will be able to provide the current status without requesting this information from the mobile unit." (p. 1, par. 0006). Moreover, the mobile unit handles assessing the ignition status at the vehicle, not the server. Furthermore, Heyward does not disclose sending a message upon receipt of an indication that the customer is available or what to do if no indication is received. Therefore Heyward fails to disclose, teach, or suggest all of the limitations of claim 23. Moreover, there is no motivation to combine Jijna, Nascimento, and Heywood and any attempted combination would fail to teach or suggest all the limitations of claim 23.

Claim 32 recites, *inter alia*, a method wherein a query is sent from a server to a client VCU for an ignition status. The query is resent to the client VCU from the server for the ignition status if no ignition status is returned. The method also comprises annunciating to the customer that a message is available for delivery if the server receives the ignition status indicating that the customer is available.

As with claim 23, the prior art, Jijna, Nascimento, and Heyward, fail to teach or suggest querying a client VCU for an indication that a customer is available to receive a message and sending the message upon receipt of the indication. Moreover, the cited prior art references, individually or in combination, also fail to further teach or suggest querying for an ignition status as the indication.

Claim 42 recites, *inter alia*, a method in which a connection is established between a server and a client VCU, and if the connection is not established, then performing any one or more of the following:

- i) retrying to establish a connection between the server and the client VCU;
- or
- ii) storing a failed delivery message.

If the connection between the server and the client VCU is established, then a query is sent to the client VCU from the server for an ignition status as an indication of whether the customer is available in the vehicle for receiving the message. If the server receives an ignition status indicating that the customer is available, then a message is sent to the client VCU for delivery to the customer.

As with claim 32, the prior art does not disclose, teach, or suggest querying a client VCU for an ignition status as an indication that a customer is available to receive a message and sending the message upon receipt of the ignition status. Moreover, the prior art does not disclose, teach, or suggest retrying to establish a connection between a server and a client VCU or storing a failed delivery message if a connection is not established between the server and client VCU. Jijna and Heywood do not discuss establishing a connection between a server and a client VCU. Nascimento merely discloses that a mobile station is connected by a wireless link to a base station, but does not disclose what to do if the connection is not established. Therefore the cited prior art references, individually or in combination, fail to disclose, teach, or suggest all of the limitations of claim 42.

Therefore, the methods in claims 23, 32, and 42 are not disclosed or rendered obvious by the prior art. Claims 24-31, 33-41, and 43-44 each ultimately depend from claims 23, 32, and 42 respectively, and should be allowed therewith.

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art and reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any other required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

James D. Stevens
Registration No. 35,691
P.O. Box 4390
Troy, Michigan 48099
(248) 689-3500

Date: August 30, 2006
JDS/GGB